

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jeromy Oelker,

Plaintiff

v.

State of Idaho, et al.,

Defendants

Case No. 2:24-cv-01291-CDS-DJA

Order Adopting Magistrate Judge's
Report and Recommendation and Closing
Case

[ECF No. 5]

Magistrate Judge Daniel J. Albregts issued a report and recommendation (R&R) that I dismiss this case without leave to amend because each of the named defendants in his complaint are immune from suit. R&R, ECF No. 5. As set forth in the R&R, and in accordance with the local rules, Oelker had until September 4, 2024, to file to file any objections to the R&R. *Id.* at 8–9 (citing LR IB 3-2 (stating that parties wishing to object to an R&R must file objections within fourteen)); *see also* 28 U.S.C. § 636(b)(1)(C) (same). As of the date of this order, Oelker has neither objected to the R&R nor requested more time to do so.¹

“[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Still, I nonetheless reviewed Judge Albregt’s order and R&R and agree with his conclusion that, based on the allegations contained in the complaint, all named defendants are immune from suit. I also agree that amendment would be futile because the defendants are covered by immunity. As a result, I adopt the R&R in full and dismiss the complaint without leave to amend.


¹ Oelker did file a motion for recusal. ECF No. 6. That motion was denied on September 12, 2024. Order, ECF No. 7.

Conclusion

IT IS THEREFORE ORDERED that Judge Albregt's report and recommendation [ECF No. 5] is adopted in its entirety. The complaint is now dismissed without leave to amend.

The Clerk of Court is kindly instructed to enter judgment accordingly and to close this case.

Dated: September 17, 2024



Cristina D. Silva
United States District Judge